

### REMARKS

Reconsideration and allowance of this Application are respectfully requested in light of the foregoing amendment and following remarks.

### The Invention

The present invention is directed to a procurement system where a user (buyer, purchaser) is assisted in generating a special request (special requisition, specification) for an item not available in a catalog database (specification: page 1, lines 5-11), the special request being based in greater part on the pre-existing normalized relationships of the catalog database. The catalog database of the present invention is organized by class, attribute, and value relationships (specification: page 4, lines 21-23).

In addition to using the pre-existing normalized relationships of the catalog, a user (buyer, purchaser) may add new values for any selected attribute to better identify a desired item, e.g., if a faster CD ROM drive is required, the user can add the speed of the drive required as a new value. Further, if a required attribute, such as screen size, is missing, the user may be given permission to add the newly desired attribute along with a desired value. In some cases a user (buyer, purchaser) may even be able to

propose a new class hierarchy. (Specification: page 11, lines 15-21) .

The updated information of the special request (special requisition, specification) may be used, in whole or in part, to selectively update the catalog database to reflect new items (Specification: page 1, lines 8-11; page 15, line 15 - page 16, line 14) .

#### Claims

Claims 1-26 are pending in the Application.

#### Claim Rejections

I. Claim 9 Stands Rejected Under 35 U.S.C. §112 ¶2 As Being Indefinite.

The Office Action Alleges that claim 9 refers back to claim 1 and recites the "said predetermined relationships," which lacks sufficient antecedent basis. The Office Action requires modifying claim 9 to recite --claim 2--.

Instant claim 9 has been amended to recite --claim 2--, thereby overcoming the 35 U.S.C. §112 ¶2 rejection of the Office Action.

II. Claims 1-3, 8-10, and 17-26 Stand Rejected Under 35 U.S.C.  
102(b) As Being Anticipated by U.S. Pat. No. 5,740,425 to  
Povilus.

The Office Action Position

The Office Action alleges that with respect to instant claim 1, Povilus discloses a procurement system for purchasing a special item comprising, *inter alia*, a special requisition and updated information which is obtained in part from the special requisition and added to the database for future reference (col. 12, lines 10-13 and col. 35, lines 17-20).

With respect to claim 10, the Office Action alleges that Povilus teaches, *inter alia*, an item selection procedure for locating a desired item with the catalog database (col. 48, lines 4-36) and an item specifying procedure which is invoked when the desired item can't be located in the catalog (col. 22, lines 40-53)

With regard to claim 17, the Office Action alleges that Povilus teaches, *inter alia*, processing a request for a special item not located within the database (col. 11 line 65-col. 12, line 33), specifying an additional relationship to uniquely identify a new item (col. 13, line 52-col. 14, line 12), incorporating the additional relationship from the specifying step into the determining rules (col. 34, lines, 30), and adding the special item

to the database using the updated rules (col. 36, line 6 - col. 37, line 13).

With regard to claim 20, the Office Action alleges that Povilus discloses, inter alia, adding an item to a database that was not found within said database (col. 36, lines 49-51).

Applicants' Response

Applicants respectfully traverse.

Contrary to the Office Action allegations with respect to instant claim 1, Povilus does not teach obtaining updated information in part from a special requisition (specification) nor does Povilus teach that such updated information is added to the database for future reference, both as recited by instant claim 1. In the invention of claim 1, for every special requisition, updated information is always added to the database for future reference and the updated information is obtained in part from the special requisition. The database of instant claim 1 thus is always modified as a result of a special requisition.

On the other hand, Povilus teaches generating a specification that includes SKUs for items that a designer has located by searching the catalog taught by Povilus and which the designer knows can be met by an off-the-shelf combination of SKUs located during this search and which represent specific part numbers of parts which are available from that manufacturer (col. 12, lines 13-16).

Povilus teaches that if a product equivalent to one contained in such a specification becomes available between the writing of the specification and the letting of a contract for a supplier to provide the product, then a new cycle of the catalog of Povilus may have occurred which includes this new product (col. 35, lines 17-20). Contrary to the allegation in the Office Action at page 3, lines 4-5, Povilus does not teach updated information which is obtained from the specification (special requisition) and added to the database for future reference, as recited by instant claim 1.

With regard to instant claim 10, Povilus teaches that pre-specified option groups 228 can be associated with a normalized SKU for providing a detailed enough description to allow a manufacturer to make/deliver an item that exceeds the normalized level of form and/or functionality represented by the normalized SKU. This option scheme is also taught by Povilus to extend to equivalent normalized SKUs orderable from a second manufacturer and to combinations of orderable SKUs which can be combined by a third manufacturer (termed a customer) of the products corresponding to these orderable SKUs (col. 22, lines 20-53). Povilus is thus teaching how a manufacturer (customer) can extend the SKU normalization taught by Povilus to include in the catalog database SKUs and options for combined and more detailed products orderable from the manufacturer (customer). Contrary to the allegation of the Office Action at page 4, lines 7-

8, Povilus does not either teach or suggest an item specifying procedure that is invoked when a desired item cannot be located within the catalog database. In the cited part of the reference, contained in section D entitled "Capturing Product Information in Electronic Form", Povilus teaches how a manufacturer (customer) can set up the catalog in the first place and not how a purchaser of a desired item specifies that item when it cannot be found in the catalog after the catalog has been set up, as recited by the item specifying procedure of instant claim 10.

With regard to instant claim 17, Povilus teaches that when a desired item is offered by a manufacturer as a part of a system, i.e., a component of a system, that manufacturer may have an electronic binder on the Internet which can be accessed directly from the current computer session (col. 11, line 59- col. 12, line 3) so that a purchaser can obtain detailed information concerning the component. Once the electronic binder has been accessed using the search paths already traversed for the catalog database taught by Povilus, the designer has additional information available concerning the part offered by the manufacturer and is able to generate a specification that the designer knows can be met by an off-the-shelf combination of SKUs, i.e., from items that are located using the catalog and that are orderable from this manufacturer. This is contrary to the allegation of the Office Action on page 4

lines 14-15 that Povilus teaches processing a request for a special item not located within the catalog database at col. 11, line 65-col. 12, line 33). That is, at the part of the reference cited by the Office Action, Povilus teaches a use of Povilus' catalog wherein it is possible to locate therein items and suppliers of these items, which alone or in combination can satisfy a request for a special item.

Further, with regard to instant claim 17, at col. 13, line 52-col. 14, line 12), Povilus teaches a data structure for a knowledge base comprising an object-oriented class structure for representing Base and other Classes and that objects can be instantiated as members of non-virtual classes or descendent's of non-virtual classes. Povilus teaches that in this data structure it is possible to link an object of one class to another object of the same or different class or to itself (col. 14, lines 9-13). Nowhere in the cited part or any other part of the reference, does Povilus teach or suggest specifying an additional relationship to uniquely identify a special item not located within Povilus' catalog database, as recited by instant claim 17.

With regard to instant claim 20, contrary to the allegation of the Office Action at page 5, lines 4-5, at the cited reference portion (col. 36, lines 49-51) Povilus does not teach adding an item (product) that corresponds to a structured requisition (for an item

not within the database) that has been transmitted to at least one potential supplier, as recited by instant claim 20, but teaches re-indexing all affected products in the database to take advantage of a new product characteristic that has been added to a concept frame in the knowledge base because a supplier is offering a newly developed product line which possesses this new characteristic.

Anticipation is a strictly technical defense. "Unless all of the same elements are found in exactly the same situation and united in the same way to perform the identical function in a single prior art reference, there is no anticipation under 35 U.S.C. §102." See, e.g., *Saf-Gard Products, Inc. v. Service Parts, Inc.*, 532 F.2d 1266, 1290 (9<sup>th</sup> Cir. 1976), cert. denied, 429 U.S. 898 (1976); *Roberts v. Sears, Roebuck U Co.*, 723 F. 2d 1324, 1332 (7<sup>th</sup> cir. 1983) (quoting *Illinois Tool Works, Inc. V. Sweetheart Plastics, Inc.*, 436 F.2d 1180, 1182-3 (7<sup>th</sup> cir.), cert. dismissed, 403 U.S. 942 (1971)).

As discussed above with reference to each of instant claims 1, 10, 17, and 20, an essential feature of the respective claimed invention is not taught by the Povilus reference and therefore there is no anticipation under 35 U.S.C. §102, Povilus does not anticipate instant independent claims 1, 10, 17, and 20 nor does Povilus anticipate instant claims 2-9, 11-16, 18-19, and 21-26, dependent respectively therefrom, instant claims 1-26 are allowable and the rejection should be withdrawn.



Conclusion

In view of the foregoing amendment and remarks, all stated rejections of the Office Action have been overcome and this Application is in condition for allowance. Early notice to that effect is earnestly solicited.

If any issues remain which may be best resolved through a telephone communication, the Examiner is requested to kindly telephone the undersigned at the local, Washington D.C. telephone number listed below.

Respectfully submitted,



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EXHIBIT I - Version of Claim Showing Changes Made

IN THE CLAIMS:

Please amend claim 9 to read as follows:

9. (Amended) A procurement system as recited in claim [1] 2, wherein said predetermined relationships include class, attribute and value characteristics.